

543
BILL NO. Z-93-07-09

ZONING MAP ORDINANCE NO. Z- 06-93

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-11.

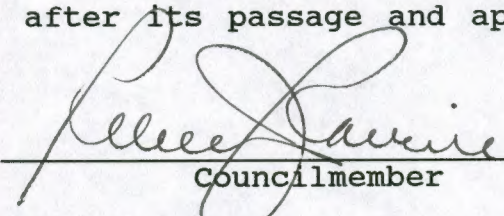
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an B-3-B (General Business) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

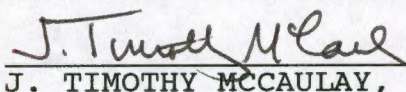
Lots 4, 5, 6 and 7 in Purmam's First Addition to the City
of Fort Wayne, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. M-11,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of _____
_____, M., E.S.T.

DATED: 7-27-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 9-28-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 2-06-93
on the 28th day of September, 19 93

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 29th day of September, 19 93,
at the hour of 2:00 o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of September,
19 93, at the hour of 4:45 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 14874

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 6/17 1993

RECEIVED FROM Smith Auto Credit \$ 200.00

THE SUM OF Two Hundred + 00/100 DOLLARS

ON ACCOUNT OF _____

15435 4215 S Clinton St.
pt 12

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

#543

I/We National Oil Co.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

LOTS 4, 5, 6, & 7 PURMAN'S

FIRST ADDITION TO THE CITY OF

FORT WAYNE

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 4215 SOUTH CLINTON ST.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent. PURCHASER

<u>Lucas Smith</u>	<u>2043 West Lusher</u>	<u>46517</u>	<u>219-522-0463</u>
(Name)	(Address & Zip Code)	(Telephone Number)	

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

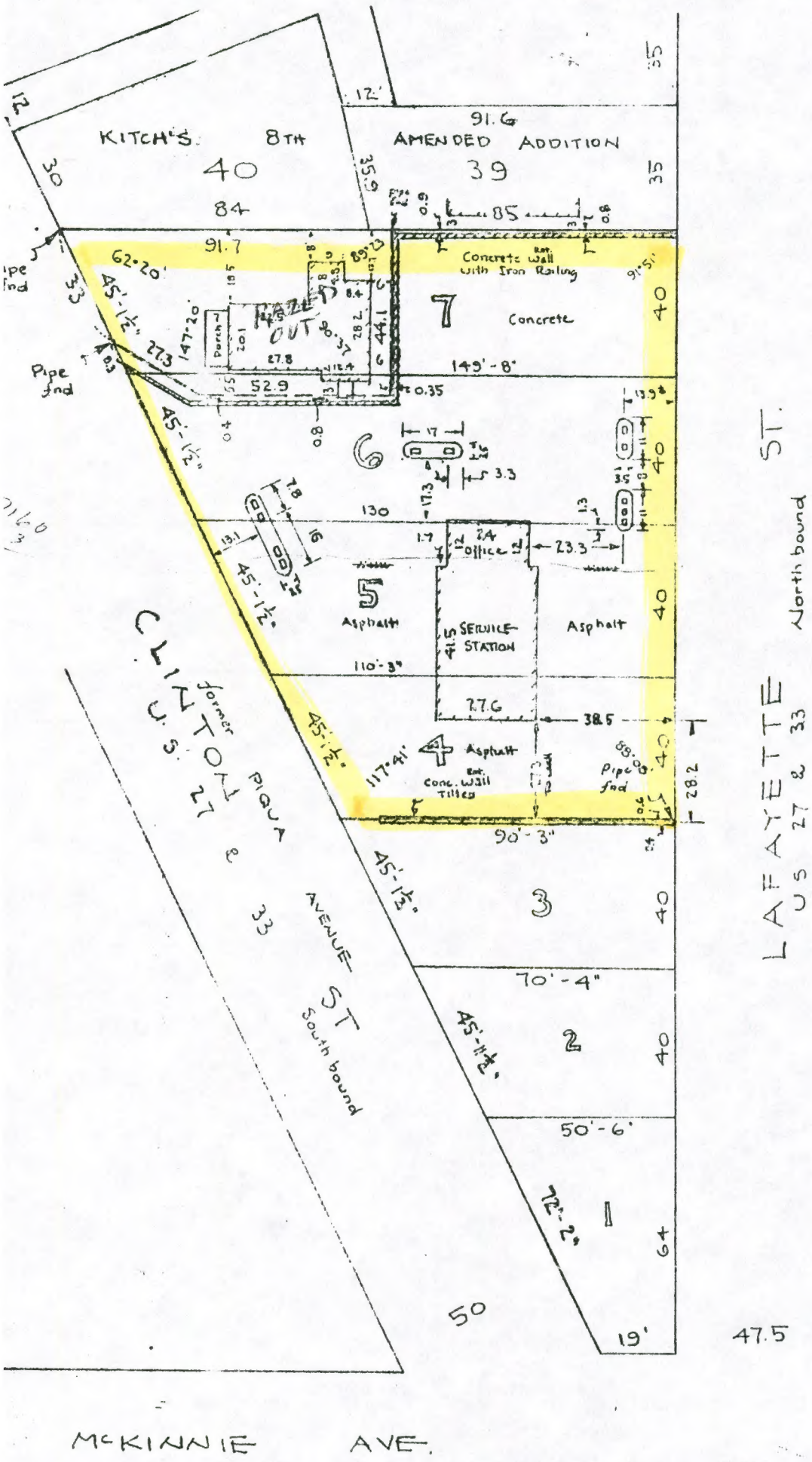
NUMBER

OFFICE OF **A. K. HOFER** AND **CARL A. HOFER**
CIVIL ENGINEERS - FORT WAYNE, INDIANA

Registered in Indiana
No. 72
No. 7122

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

Scale 40
DESCRIPTION OF PROPERTY Etc. No. **PURMAN'S FIRST ADDITION (See attached sheet.)**



ALL OF LOTS
4-5-6-7
21,336 ϕ LAND (+)
1,433 ϕ BLDG (+)

Reference Topographic &
Boundary Survey
11 July 1961
Scale 1 In = 20 Ft.



IN WITNESS WHEREOF, I place my hand and
seal, this 9 day of January, 1962

Carl A. Hofer

NATIONAL CH
476-19918

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on July 27, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-93-07-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1993.

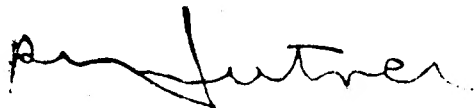
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1993.

Certified and signed this
24th day of August 1993.



Robert Hutner
Secretary

93-72602

COPY

RESTRICTIVE COVENANT

National Oil and Gas, Inc., an Indiana Corporation
hereby declares that it is the Owner of the real estate
described as follows:

Lots 4, 5, 6 and 7 of Purman's First Addition to the
City of Fort Wayne

(commonly known as 4215 S. Clinton Street, Fort Wayne)

The hereinabove described real estate shall be subject to and
impressed with the covenants, ~~agreements~~, restrictions and
limitations hereinafter set forth; and they shall be considered
a part of the conveyance of hereinabove described real estate
without being written therein. The provisions herein contained
are for the mutual benefit and protection of the owners,
present and future, of the hereinabove described real estate;
and they shall run with the land and shall inure to the benefit
of and be enforceable by those neighbors whose residences are
within a one (1) mile radius of the subject real estate and the
South Calhoun Neighborhood Association, Inc., hereinafter
referred to as "Association", its legal representatives and
successors. (Said "Association" being the South Calhoun
Neighborhood Association, Inc. which Association was
incorporated under the laws of the State of Indiana on March
28, 1988.

W. J. H. H. H.
ALLEN COUNTY RECORDER

93 DEC -3 AM 8:37

Those entitled to seek enforcement shall be entitled to injunctive relief against any violation, or attempted violation of the provisions hereof, and also damages for any injuries resulting from any violation thereof; but there shall be no right of reversion or forfeiture of title resulting from such violation.

The hereinabove described real estate shall not have any the following uses as described in the Zoning Code of the City of Fort Wayne as existing on the 28th day of September, 1993.

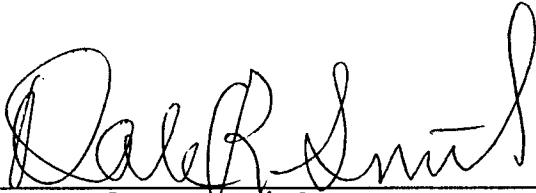
1. Automobile body shop
2. Trailer or mobile home sales lot
3. Boat showroom
4. Pawnshop
5. Dance hall or studio
6. Night club
7. Shooting gallery
8. Business or trade school
9. Motor bus or railroad passenger station
10. Sheet metal shop
11. Welding shop
12. Rescue or revival mission
13. Package liquor store
14. Tavern or bar
15. Bowling alley
16. Billiard or pool hall

TERM: These covenants are to run with the land and shall be binding on all parties and persons claiming under them for a period of twenty years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by the owner of the hereinabove described real estate and the "Association" has been recorded, agreeing to change said covenant in whole or in part and provided that the terms of any such instrument shall first be provided to all neighbors within one mile from the subject real estate prior to execution of said instrument by said Association and the recording thereof.

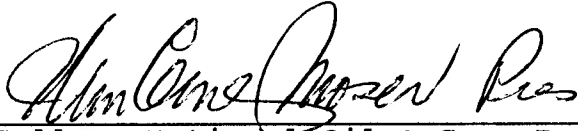
ENFORCEMENT: Enforcement shall be by proceedings in law or in equity against any person violating or attempting to violate any covenant, either to restrain violation or to recover damages, but in no event shall there be a right of reversion or forfeiture of title.

INVALIDATION: Invalidation of any portion of this Restrictive Covenant by judgment or court order shall in no wise effect the remaining portions of this Restrictive Covenant, which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement this 8th day of October, 1993.




Buyer, Dale R. Smith



Seller, National Oil & Gas, Inc.

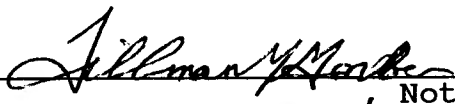
STATE OF Indiana)
COUNTY OF Elkhart) SS:

Subscribed and sworn to before me, a Notary Public in and for said County and State, personally appeared Dale R. Smith, this 8th day of October, 1993.


BETH SMITH, Notary Public
Residing in Elkhart County, IN.
My Commission Expires: 6-25-97

STATE OF INDIANA)
COUNTY OF WELLS) SS:

Subscribed and sworn to before me, a Notary Public in and for said County and State, personally appeared National Oil & Gas, Inc., this 22 day of OCTOBER, 1993.


Jillman Y. Morley, Notary Public
Residing in WELLS County, ____
My Commission Expires: 4-18-97

This Instrument was Prepared By:
Mitch Harper, Attorney At Law, MILLER, HARPER & RORICK,
2270 Lake Avenue, Suite 270, Fort Wayne, IN 46805-5361

#543
ORIGINAL

ORIGINAL

DIGEST SHEET

2-93-07-09

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4215 So Clinton Street

EFFECT OF PASSAGE Property is currently zoned B-1-B - Limited Business District. Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

Z-93-07-09

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From B1B to B3B

DETAILS**Specific Location and/or Address**

4215 So Clinton St

Reason for Project

Used Car Dealership

Discussion (Including relationship to other Council actions)16 August 1993 - Public Hearing

See Attached Minutes of Meeting

23 August 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Of the five (5) members present, five (5) voted in favor of the motion. Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor****Area Affected**

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Lucas Smith/Smith Auto Credit
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☐ For ☒ Against

Reason Against

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

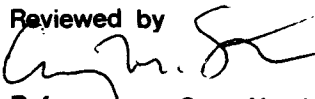
Date 17 June 1993

Projected Completion or Occupancy

Date 24 August 1993

Fact Sheet Prepared by
Patricia Biancaniello

Date 24 August 1993

Reviewed by

Reference or Case Number

Date 8/25/93

a. Bill No. Z-93-07-09 - Change of Zone #543
4215 So Clinton Street

Mitch Harper, attorney for the petitioners, Smith Auto Credit, appeared before the Commission. Mr. Harper handed out some pictures and information regarding the property to the Commissioners. Mr. Harper stated that the property has been vacant for at least 6 years. He stated that it is overgrown with weeds. He stated that the petitioners are asking for the change in order to operate a used car sales lot. He stated that Smith Auto Credit currently operates 3-locations; Elkhart, South Bend and Goshen. He stated that they have been in business for 14 years. The first site they opened was in Elkhart and they still operate from that original site. He stated that they have never vacated any of their locations, that they are a very stable, established business. He stated that this location is a "gateway" to the city of Fort Wayne and the petitioners are very conscious of that. He stated that this is a deteriorating neighborhood in terms of the commercial sites. He stated that the Lafayette, Clinton corridor from this area nearly all the way to downtown has quite a string of vacant properties. He stated that directly across the street was a car wash facility, which is now closed. He stated that in the handout there were letters of support from neighboring businesses and businesses that are along the Lafayette Clinton corridor. He stated that on their initiative they contacted three neighborhood associations; Lafayette Place, South Calhoun Place and Pettit-Rudisill Neighborhood Associations. He stated that Pettit-Rudisill Neighborhood Association does not comment on areas that our outside of the Neighborhood Association. He stated that the Lafayette Place Neighborhood Association had a Board of Directors meeting and they are neutral on this application for rezoning. He stated that Shirley Cox was present at the meeting as a spokesperson for the South Calhoun Place Neighborhood Association to speak in support of the petition. He stated that there were letters in the packet from residential neighbors of the existing car dealerships, stating what sort of neighbors Smith Auto Credit has made. He presented an architectural rendering to the Commission of the site. He noted that it showed the landscaping plan of the site. He stated that because this is a "gateway" property to the city of Fort Wayne, the owners are very conscious of the impression visitors to this city get as they approach this intersection. He stated that they are planning to have substantial landscaping on the site. He stated that they are currently in negotiations with the owners of the rest of the property between Clinton and Lafayette. He stated if those negotiations are successful they intend to raze the building on that site and also when the Burkhart billboard lease expires have the billboard removed. He stated that they are looking at a substantial improvement on the site.

Lucas Smith, appeared before the Commission representing Smith Auto Sales. He stated that they had been in business 14 years and they have come along way and their business is growing. He stated that they have many plans for expansion and Fort Wayne is an area where they would like to open one or two auto sales lots. He stated that

it would be an asset to the city. He stated that they would be bringing in jobs. He stated that they will have two families that will relocate to Fort Wayne to work the lots. He stated that they would also be hiring local people. He stated that they would be spending money in the city from garage repair bills to buying gas. He stated that they spend currently 2 to 3 thousand dollars per week for just auto repairs. He stated that they plan on making a substantial investment in the property, not just landscaping, they intend to renovate the whole building. He stated that they will be putting up lights and have the lot completely repaved. He stated that their use will not have near the traffic that the prior use of this property had as a Quik Mart Convenience Store. He stated that he really felt that they would be a large asset to the community.

Shirley Cox, of the South Calhoun Street Neighborhood Association and stated that they had a meeting yesterday of the association membership and there was not any opposition to this request. She stated that after reviewing the plans that they presented it would definitely be an improvement to what they have had for the past six years.

Mark Young, 322 E Lexington Ct, of the South Calhoun Neighborhood Association stated that he has been in the area for approximately a year and has noticed that the area in question is definitely an eyesore. He stated that there are people who in the evening tend to gather on the property. He felt that if they had a business there, it would eliminate this problem.

Mr. Harper stated that the staff recommendation of do not pass was based on three reasons. He stated that the first was that approval of the petition would create a "spot zone". He stated that he would like to point out to the Commission that if you start at Lexington & South Wayne that business area, moving east along the same eastern line to Fairfield and Lexington, where you have Hartley's Restaurant and the Phillips 66 Gas Station. Then going to McKinnie & Calhoun where there is another little commercial area, and then to Hanna & McKinnie those are all areas of development that are over 50 years old. He stated that by their very nature they are small commercial areas that are essentially small commercial spots located on that same path and developed at about the same time in the city's history. He stated that there are very few additional uses under the B3B zoning that he believed could be considered detrimental. He stated that the second reason for denial stated that approval would allow for the intensification of uses which could result in increased traffic conflicts. He stated that this use is certainly going to lessen any traffic conflicts compared with what the site had been used for previously as a convenience store/gas station. He stated that he felt there were very few other uses that this site could accommodate under B3B zoning of which that claim could be made of increasing traffic. He stated that he was somewhat puzzled in the last paragraph of the discussion to the statement that the best use of the site would be lower intensity uses intended to serve the area and passing motorists. He stated that this particular use is not intended to

serve passing motorists. He stated that if the Commission is talking about uses that would draw passing motorists, you are talking about very high intensity uses, which the neighborhood does not want.

Dave Ross stated that the reason for the B3B then is that under a B1B the used car lot is not a legal use.

Mitch Harper stated he did not understand the logic, since service stations are allowed under a B1B zoning and an automobile washing station with provision for off street parking for 60 or more cars is allowed under B1 districts. He stated that auto sales for new and/or used vehicle, which are essentially a landscaped lot, paved with parking for display of the vehicles is not allowed. He stated one of the concerns of the neighborhood associations are some of the other uses that are allowed under the current zoning of B1B.

Dave Ross questioned then if it was Mr. Harper's opinion that the car sales lot should be classified under a B1B classification.

Mr. Harper stated that the ordinance is 25 years old. He stated that he was not aware which of the uses under B3B that are more intensive than the uses that are already allowed under B1B.

Dave Ross questioned if a zoning variance has been considered so that the Commission does not spot zone just this area.

Mitch Harper stated that it may be spot zoning on that property alone, but they are also looking at a substantial improvement to that property.

He stated that he had spoken with a couple of the area business people and they want some signal from the city that there is something being done about this corridor. He stated that only if the city expands the types of businesses that can go into these spots are you going to have economic development.

Don Schmidt asked if Mr. Harper would characterize the fact that the marketplace has already said that the B1B is inappropriate, since it has been on the market for 6 years and not been developed.

Mitch Harper stated that the marketplace has not only spoken on that spot but the other donut location at that spot and the abandoned car washing station. He stated that you can go up Lafayette Street and see that the marketplace has spoken on a lot of other places. He stated that next weekend there will be an auction of the Parrot Meat Facility, one more business going out of that area. He stated that aside from the new medical center going in at Pontiac and Lafayette it is hard to find a lot of "bright spots".

Mel Smith questioned if they would be doing any body work on the property.

Mr. Harper stated that they do not intend to do any auto repair on

the site, that will be additional business for small businesses located in that area. Mr. Harper stated that they will renovate the existing building and if they are able to acquire the property that is in front of them they will knock down the old gas station that is there and ultimately remove the billboard.

Mel Smith stated that the Commission tries to stay away from spot zoning. He stated that they try to pursue other avenues. He questioned whether they would be willing to try for a variance. He stated that it would be through the Board of Zoning Appeals.

Mr. Harper stated that they have considered applying to the Board, but he felt that only by opening up zoning to greater potential uses along that corridor are you going to be able to attract capital, expand business and get rid of vacant lots. He stated that is why they are before the Plan Commission and not pursuing a variance.

Dave Ross asked Wayne O'Brien, staff planner, if the Auto Zone that was just constructed on the corner of Rudisill and Lafayette was zoned B1B.

Mr. O'Brien stated that it is zoned B1B and their business fits the classification of a B1B. He stated that they are engaged in the sale of automobile parts they do not have any auto repair on the property or in the facility.

Dave Ross asked if there is any consideration at this time in reviewing the different land uses within the Zoning Ordinance to try an update on the land uses.

Mr. O'Brien stated that one of the things that the staff has proposed is an evaluation of the Zoning Ordinance that may lead into, hopefully a rewrite of some of the sections. One of the things they will be looking at is making sure that they have slotted uses in the correct zoning classifications. He stated that obviously the staff of Land Use Management and Economic Development shares Mr. Harper's and the neighborhoods interest in trying to do something to see new development along that corridor. He stated that they are also very concerned because they have a mixed commercial and residential. While we want to see development, we do not want to see development at the price of the residential districts that are already established. He stated that we are looking for something that will allow us to blend the two together for hopefully a much stronger city and a much stronger neighborhood.

Dave Ross stated that Lafayette is on the State Highway system and they are trying to upgrade a portion of that roadway to increase traffic use through that corridor. He stated that the city just finished a study looking at developing a "super boulevard" in that area to try and buffer the residential from the high volumes of traffic. He stated he did not think at that time that they were really concerned about businesses, that the exposure was actually

pretty complementary for businesses.

Don Schmidt stated that these former gas stations are real albatrosses. He stated that they have buried tanks and no one wants to buy them because they are faced with a terrific expense of getting rid of the tanks. He stated, that it could be, unless you have a very profit oriented business in there, that no one is going to look at the property. Mr. Schmidt questioned if the tanks were still in the ground on this property.

Mr. Harper stated that they were still in there. He stated that he was under the impression that 60 days after a gas station has been vacant the tanks are to come out.

Don Schmidt questioned if Mr. Harper's client would remove the tanks.

Mr. Harper stated that they would. He questioned why there has not been any enforcement regarding the removal of the tanks.

Ernest Evans stated that one of the areas that concerns some of the Commissioner's is under the B3B are the recreational enterprises. He stated that thinking of this property as a used car lot that would not generate a large amount of traffic is one thing, but once you get into recreational enterprises which allows for dance halls, nightclubs, shooting galleries and penny arcades, if in a few years this car lot goes out, it could be highly detrimental to the neighborhood. He questioned if there was any thought or willingness of a possible restriction to be imposed.

Mr. Harper stated that directly across the street is a bar. He stated that when he spoke with Chuck Layton about the site he (Chuck Layton) was well acquainted with it because there had been complaints from the neighbors about patrons of the bar who park in the vacant area. He stated that there is already a tavern in that area. He stated that he does not know what the difference would be between a nightclub and a tavern. He stated that in terms of entertainment facilities you can find entertainment facilities that are currently allowed in the B1B, like the ones that are described under the B3B.

Mel Smith questioned if the Commission denies this request would they be willing to apply for a variance to the Board of Zoning Appeals.

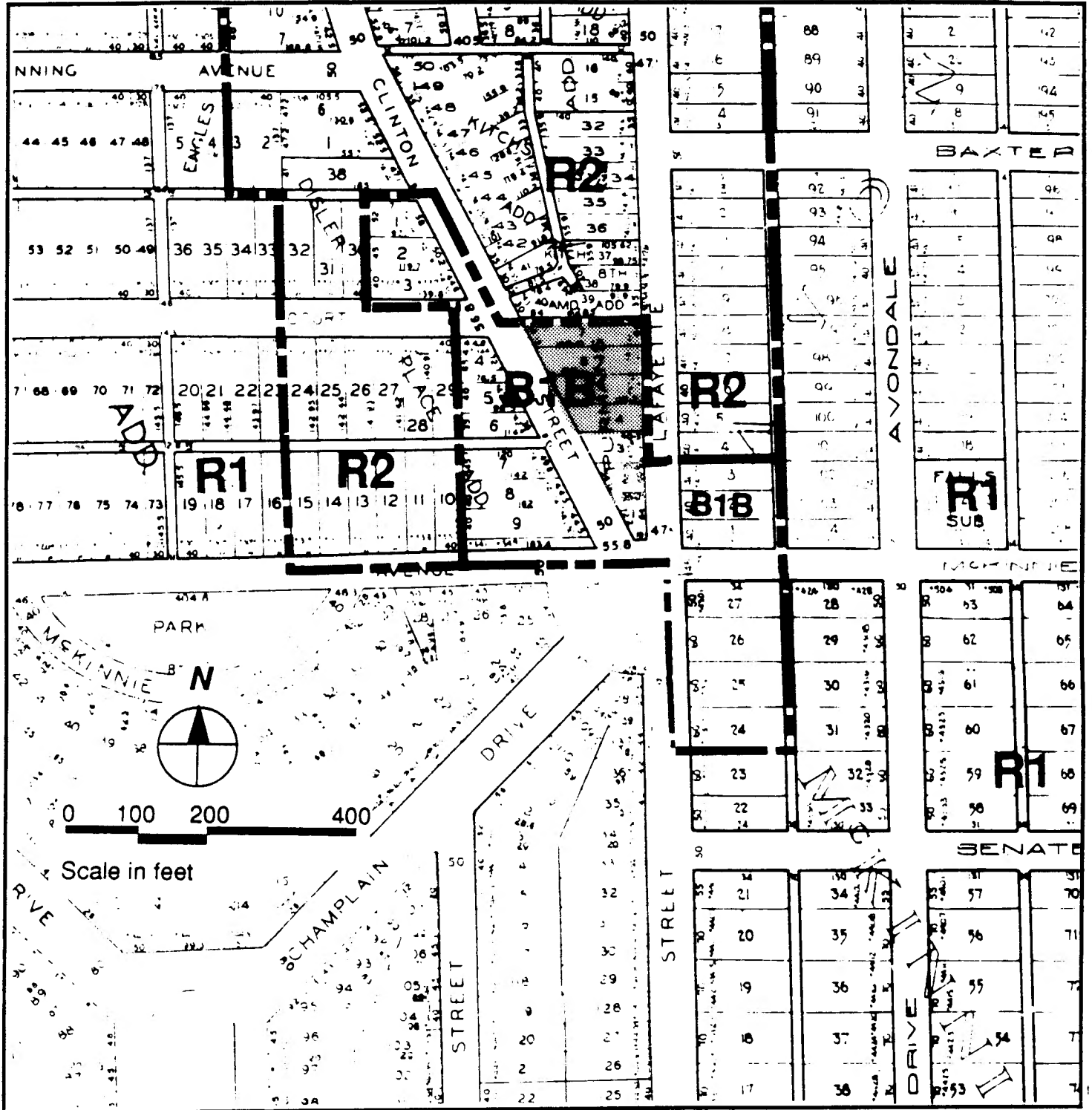
Mitch Harper stated that he thought they would.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #543



COUNCILMANIC DISTRICT NO. 5

Map No. M-11
LW 6-29-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. Z-93-07-09

Handwritten: Held 9-28

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) _____ amending the City of
Fort Wayne Zoning Map No. M-11

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			

DATED: *9-28-93*

Sandra E. Kennedy
City Clerk